



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of February 20, 2017

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#17-64 *People v. Bullard*, S239488.** (E065918; nonpublished opinion; San Bernardino County Superior Court; FVI1200894.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

**#17-65 *People v. Dixon*, S239373.** (B268722; nonpublished opinion; Los Angeles County Superior Court; BA331238, BA367357, BA387014, BA409103.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#17-66 *People v. Evans*, S239635.** (E064243; 6 Cal.App.5th 894; Riverside County Superior Court; SWF1402787). Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

The court ordered briefing deferred in *Dixon* and *Evans* pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

**#17-67 *People v. Fernandez*, S238851.** (H042665; nonpublished opinion; San Benito County Superior Court; CR1200954.) Petition for review after the Court of Appeal

affirmed a post-conviction order in a criminal case. The court ordered briefing deferred pending decision in *People v. Maita*, S230957 (#16-40), which concerns whether the defendant's sentence was improperly enhanced with a prior conviction for transporting a controlled substance, since Health and Safety Code section 11379 had been amended after the date of that conviction to exclude transportation for personal use and limit the statute to transportation for sale, and *People v. Valenzuela*, S232900 (#16-97), which concerns the effect of an order reclassifying a felony as a misdemeanor under the provisions of Proposition 47 on the penalty enhancement imposed for serving a prior prison term on that conviction.

**#17-68 *People v. Johnson*, S238765.** (D068437; nonpublished opinion; San Diego County Superior Court; SCD237392, SCD233933.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

**#17-69 *People v. Learnard*, S238797.** (B260824; 4 Cal.App.5th 1117; Los Angeles County Superior Court; YA088533.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

The court ordered briefing in *Johnson* and *Learnard* deferred pending decision in *People v. Gallardo*, S231260 (#16-38), which presents the following issue: Was the trial court's decision that defendant's prior conviction constituted a strike incompatible with *Descamps v. U.S.* (2013) 570 U.S. \_\_ (133 S.Ct. 2276) because the trial court relied on judicial fact-finding beyond the elements of the actual prior conviction?

**#17-70 *People v. Lewis*, S238962.** (D068311; nonpublished opinion; Riverside County Superior Court; INF058881.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Arzate*, S238032 (#17-32) and *People v. Padilla*, S239454 (#17-34), which present issues as to the requirements under *Montgomery v. Louisiana* (2016) 577 U.S. \_\_, 136 S.Ct. 718, 193 L.Ed.2d 599, *Miller v. Alabama* (2012) 567 U.S. \_\_, 132 S.Ct. 2455, 183 L.Ed.2d 407, for imposing a sentence of life imprisonment without possibility of parole on a juvenile offender.

**#17-71 *People v. Rodriguez*, S238983.** (B269444; nonpublished opinion; Los Angeles County Superior Court; GA025346.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#17-72 *People v. Watson*, S238944.** (B269654; nonpublished opinion; Los Angeles County Superior Court; PA025999.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Rodriguez* and *Watson* deferred pending decision in *People v. Estrada*, S232114 (#16-104), which presents the following issue: Did the trial court improperly rely on the facts of counts dismissed under a plea agreement to find defendant ineligible for resentencing under the provisions of Proposition 36?

**#17-73 *People v. Westerfield*, S239197.** (B269019; nonpublished opinion; Los Angeles County Superior Court; KA043390.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Frierson*, S236728 (#16-362), which presents the following issue: What is the standard of proof for a finding of ineligibility for resentencing under Proposition 36?

## DISPOSITIONS

The following case was transferred for reconsideration in light of *Rodriguez v. United States* (2015) 575 U.S. \_\_\_, 135 S.Ct. 1609, 191 L.Ed.2d 492:

**#15-27 *People v. Jafari*, S223991.**

Review in the following case, which was granted and held for *People v. DeHoyos*, S228230 (#15-171), was dismissed as moot:

**#16-25 *People v. Motsenbocker*, S231177.**

## STATUS

**#17-58 *People v. Guerrero*, S238401.** In this case, in which review was previously granted and action deferred pending further order of the court, the court directed the parties to brief the following issue: What relationship, if any, must exist between convictions for forgery and identity theft in order to exclude a forgery conviction from sentencing as a misdemeanor under Penal Code section 473, subdivision (b)?

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*